

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ANGEL ANTONIO HERNANDEZ-PEREZ,	)	
	)	
Petitioner,	)	
	)	
v.	)	1:22-cv-251
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**ORDER**

This matter is before this court for review of the Order and Recommendation ("Recommendation") filed on April 6, 2022, by the Magistrate Judge in accordance with 28 U.S.C. § 636(b).

(Doc. 2.) In the Recommendation, the Magistrate Judge recommends that Petitioner's Motion to Avoid Deportation under 28 U.S.C. § 1651, (Doc. 1), be dismissed without prejudice to Petitioner filing any challenge to his deportation or order of removal in an appropriate forum, and that judgment be entered dismissing this action. The Recommendation was served on the parties to this action on April 7, 2022. (Doc. 3.) Petitioner timely filed objections, (Doc. 4), to the Recommendation.

This court is required to "make a de novo determination of those portions of the [Magistrate Judge's] report or specified proposed findings or recommendations to which objection is


made." 28 U.S.C. § 636(b)(1). This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the [M]agistrate [J]udge. . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions." Id.

This court has appropriately reviewed the portions of the Recommendation to which objections were made and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation.

**IT IS THEREFORE ORDERED** that the Magistrate Judge's Recommendation, (Doc. 2), is **ADOPTED. IT IS FURTHER ORDERED** that this action is **DISMISSED** sua sponte without prejudice to Petitioner filing any challenge to his deportation or order of removal in an appropriate forum.

A judgment dismissing this action will be entered contemporaneously with this Order.

This the 29th day of March, 2023.

  
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United States District Judge